



To enrich lives through effective and caring service



Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

AGENDA

MARINA DEL REY DESIGN CONTROL BOARD

Thursday, September 21, 2006, 2:00 p.m.

**Burton W. Chace Park Community Building
13650 Mindanao Way ~ Marina del Rey, CA 90292**

Design Control Board Members

Susan Cloke – Chair	- First District
Katherine Spitz, ASLA – Vice Chair	- Third District
David Abelar – Member	- Second District
Peter Phinney, AIA – Member	- Fourth District
Tony Wong, P.E. – Member	- Fifth District

1. **Call to Order, Action on Absences, Pledge of Allegiance and Order of Agenda**

2. **Approval of Minutes**

The Minutes from August 30 and August 31, 2006 have not been completed yet.

3. **Design Control Board Reviews**

A. Parcel 50 – Waterside Marina – DCB #06-012

Approval of the record of the DCB's August 30, 2006 action for conditional approval of additional identification signage, per the plans on file with the Department

B. Parcel 50 – Jill Roberts – DCB #06-017

Approval of the record of the DCB's August 30, 2006 action for conditional approval of identification signage, per the plans on file with the Department

4. **Old Business**

A. Parcels 95 & LLS – Marina Gateway - DCB #02-026-B

Consideration of redevelopment project

5. **New Business**

A. Parcel 64 – Villa Venetia – DCB #06-018

Consideration of facility repainting

B. Parcel 131 – Café del Rey – DCB #06-019

Consideration of signage

C. Parcel 50 – Bank of America – DCB #06-020

Consideration of renovations

D. Parcel 75 – Del Rey Surgical Center – DCB #06-021

Consideration of addition of an external generator and sprinkler valve

6. Staff Reports

- A. Temporary Permits Issued by Department
- B. Ongoing Activities Report
 - Board Actions on Items Relating to Marina del Rey
 - Marina del Rey Urban Design Guidelines Update
 - Redevelopment Project Status Report
 - Marina del Rey and Beach Special Events
- C. Special Meetings Status

7. Comments From The Public

Public comment within the purview of this Board (three minute time limit per speaker)

8. Adjournment

ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aids and services such as material in alternate format or a sign language interpreter, please contact the ADA (Americans with Disability Act) Coordinator at (310) 827-0816 (Voice) or (310) 821-1737 (TDD), with at least three business days' notice.

Project Materials: All materials provided to the Design Control Board Members are available (beginning the Saturday prior to the meeting) for public review at the following Marina del Rey locations: Marina del Rey Library, 4533 Admiralty Way, 310-821-3415; Department of Beaches and Harbors Administration Building, 13837 Fiji Way, 310-305-9503; MdR Visitors & Information Center, 4701 Admiralty Way, 310-305-9546; and Burton Chace Park Community Room, 13650 Mindanao Way, 310-305-9595.

Please Note: The Los Angeles County Board of Supervisors adopted Chapter 2.160 of the Los Angeles County Code (Ord. 93-0031 §2(part), 1993) relating to lobbyists. Any person who seeks support or endorsement from the Design Control Board on any official action must certify that they are familiar with the requirements of this ordinance. A copy of this ordinance can be provided prior to the meeting and certification is to be made before or at the meeting.

Departmental Information: <http://beaches.co.la.ca.us> or <http://labeaches.info>



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Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

September 14, 2006

TO: Design Control Board
FROM: Stan Wisniewski, Director *SWisniewski*
SUBJECT: **AGENDA ITEM 3 – DESIGN CONTROL BOARD REVIEWS: DCB REVIEWS
#06-012 and #06-017**

The Design Control Board's actions from August 30, 2006 are attached:

- A. Parcel 50 – Waterside Marina – DCB #06-012
- B. Parcel 50 – Jill Roberts – DCB #06-017

SW:MF:CS
Attachments (2)

DRAFT

Design Control Board Review DCB #06-012

PARCEL NAME: Waterside Marina

PARCEL NUMBER: 50

REQUEST: Further consideration of additional signage for all tenants.

ACTION: Approved, per the submitted plans on file with the Department.

CONDITIONS: The applicant shall obtain further signage approval from the Department of Regional Planning.

MEETING DATE: August 30, 2006 (Special Meeting)

DRAFT

Design Control Board Review DCB #06-017

PARCEL NAME: Waterside Marina

PARCEL NUMBER: 50

REQUEST: Consideration of signage for Jill Roberts.

ACTION: Approved, per the submitted plans on file with the Department.

CONDITIONS: The applicant shall obtain further signage approval from the Department of Regional Planning.

MEETING DATE: August 30, 2006 (Special Meeting)



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Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

September 14, 2006

TO: Marina del Rey Design Control Board

FROM: Stan Wisniewski, Director *SWisniewski*

SUBJECT: **AGENDA ITEM 4A – PARCELS 95/LLS – MARINA GATEWAY
DCB #02-026-B**

Item 4A on your agenda is a submission by Gold Coast West, LLC (Applicant) seeking conceptual approval of its revised redevelopment plans for Marina Gateway Shopping Center, located along Washington Blvd., between Via Marina and Via Dolce, on the northern edge of Marina del Rey. The project location serves as the northern gateway to traffic entering and leaving Marina del Rey.

History and Brief Description of the Proposed Project

The project plan was originally considered by your Board in November 2002 and received conceptual approval at that time (DCB# 02-026). Such approval originally called for complete redevelopment of the parcel, including demolition of the 21,119 sq. ft. Marina West development and exterior improvements to the 5,713 sq. ft. Islands restaurant. The approved project included construction of 39,613 sq. ft. of commercial/retail space, for a net increase of 18,494 sq. ft., and was to provide 234 parking spaces, with access from three driveways on Washington Boulevard and from the alley on the south side of the center.

Based upon comments made by the Regional Planning Commission when presented with the initially-approved project, Applicant has substantially altered the project to provide 72 residential units over visitor-serving commercial uses. The Applicant is, therefore, now seeking conceptual approval for a revised redevelopment plan for Marina Gateway, including a programmatic change to a mixed-use retail/office/residential project. The proposed changes in scope are outlined below and in the accompanying summary table.

- **Building A** – This building is located at the east end of Parcel 95, near the corner of Via Marina and Washington Blvd and adjacent to Parcel LLS. The approved plan for this site formerly was a new building varying in height from 27 to 42 feet to house a relocated bank and new restaurant. The Applicant has modified the building to accommodate the relocated Islands restaurant and to provide ancillary office and retail uses within two stories and a basement.
- **Building B** – This building, located mid-block between Via Marina and Via Dolce, was initially designed as a 21- to 35-foot high retail and restaurant building. Applicant's current proposal changes the use to a four-story residential (36 units) and retail/mixed-use building, rising to over 60 feet high over a basement parking garage.
- **Building C** – This building, located at the west end of Parcel 95, initially was to remain as restaurant use, but now mirrors Building B by providing additional mixed-use residential (36 units) and retail uses.

The conversion of this project from strictly visitor-serving commercial to a mixed-use residential/office/retail project has resulted in a revised total adjusted project area of 231,705 square feet, which represents an increase of 192,092 square feet over the project approved in 2002, as detailed in the following summary table:

PROJECT SUMMARY
 (Area in square feet)

	ORIGINAL PROJECT AREA (2002)*	PROPOSED PROJECT AREA (2006)
Bldg. A	14,903	31,885
Bldg. B	18,997	99,910 ^(a)
Bldg. C	--	99,910 ^(a)
Bldg. D	5,713	--
Park (LLS)	open space	open space
	39,613*	231,705

* DCB #02-026, approved November 2002; existing building area is 21,119 s.f.

^(a) Ground floor retail and two floors of apartments (total of 72 residential units)

- **Public Park (Parcel LLS)** – This 0.225-acre parcel would accommodate a public park, located at the southwest corner of Via Marina and Washington Blvd. Its location will complement another new park approved by your Board and developed by Applicant across Via Marina, on Parcel 97, to enhance the northern gateway to Marina del Rey. The proposed park will include a fountain/water element, a small circular amphitheater and enhanced signage/landscape/hardscape elements that provide an attractive outdoor area for gathering, entertainment, or for more passive uses. The proximity of the park to the proposed new Islands restaurant will also create synergy for a variety of public uses at the east end of the project.

Parking for the revised Marina Gateway redevelopment proposal will be provided in basement, surface and structured parking for Building A and in basement and structured parking areas within Buildings B and C. Additional rooftop parking will be available between Buildings A and B, linking them with an attractive bridge. The revised project provides a total of 337 on-site parking spaces, which appears to meet County parking requirements.

Development Rights and Regulations

The Via Marina development zone (DZ) is situated in the extreme northwest corner of the Marina and contains zoning designations and entitlements supporting expansion of visitor-serving and high-density residential properties. The LCP designates the subject Parcel 95 as visitor-serving commercial with a mixed-use overlay, which *is intended to provide additional flexibility for development of creatively-designed mixed-use projects on selected non-waterfront parcels.* Previous decisions by your Board have enabled the allocation of entitlements for all but 72

residential dwelling units within this DZ. As this property is off the water and carries the mixed-use (MUZ) designation, Applicant was encouraged by regional Planning to consider this opportunity to add residential units to the program for development.

In that Parcel LLS carries the zoning designation of *Public Facility*, the incorporation of a public park would meet the intended land use criteria and, the Department believes, would significantly add to the public's enjoyment of the overall project. In addition, complementary design elements for the park (e.g., water elements and signage) would emphasize the northern Marina gateway effect desired at this entry/exit location for the Marina.

Land Use Context

Parcel LLS is presently operated by the Department as a public parking lot with eight spaces serving the existing visitor-serving uses in the vicinity of Parcel 95. These spaces will be retained and increased within the proposed project while the parcel is otherwise enhanced to provide valuable public open space uses. Parcel 95 currently houses the Marina West Shopping Center, as indicated above.

The project is bounded on the north by Washington Blvd. in the City of Los Angeles, which forms the northern boundary of Marina del Rey. The north side of Washington Blvd. is fully developed with high-density multi-family residential, commercial and office development. On the west, the property abuts Via Dolce, which is also in the City of Los Angeles and corresponds to the western boundary of Marina del Rey. Existing high-rise office uses predominate west of Via Dolce. The project is bounded on the south by an alley and the high density residential (Residential V) Oakwood Apartments. On the east, the project fronts on Via Marina, with existing commercial and adjacent hotel (Marina Marriott) development, which forms the basis for the desired gateway effect to/from the Marina.

Environmental Review Process

Applicant has not yet filed an application with the Department of Regional Planning (DRP) to initiate the environmental review process under the California Environmental Quality Act (CEQA) for the modified project scope. Following your Board's action with respect to this application, Applicant will file the project at DRP, where a full project review, including an environmental analysis under CEQA, will be completed prior to consideration by the Regional Planning Commission. Significant issues will be fully addressed in the environmental impact report (EIR) to be prepared as a part of its application. As part of that process, the EIR will be circulated to all relevant agencies and will involve interested parties to consider public comment. Major issues to be considered in further analysis to be undertaken will include, but may not be limited to the following:

- Shade/Shadow Effects
- Traffic and Circulation
- Land Use Compatibility
- Public Access
- Light and Glare
- Water Quality

STAFF REVIEW

The revised project embodies the identical architectural character as the 2002 project, with the added residential components and enhanced visitor-serving retail and office arrangement. The Department supports this addition of on-site residential units and the necessary rearrangement of previously-approved uses.

Further building refinements to Building A provide a curved façade to enhance the building aesthetics and to open up views along Washington Blvd. Various design features of the building emphasize its importance at the confluence of two major streets and as the northern Marina gateway. Rooftop parking will be provided on a bridge over a driveway connecting Buildings A and B. Buildings B and C will be similar in design, housing ground-floor retail and small restaurant uses. A lobby entrance will be at the center of each building to provide secure access to residential units and tenant parking. All one- and two-bedroom residential units will have balconies, and the exteriors will be smooth plaster with pre-cast accent detailing.

Exterior building lighting will add a sophisticated look to the development at night. Lighting fixtures will be shielded and unobtrusive, yet provide for ample accent of building features and for safety and security. Decorative lighting elements will include softly glowing balconies and decorative wall sconces. Selected trees will have controlled up-lighting, and post-mounted area lighting will accent paths and significant planter areas. Special event lighting will be provided to serve the park area during special events.

The gateway park on Parcel LLS will complement the park area to be provided on Parcel 95, across Via Marina, to enhance the Marina gateway feel. The park will include a fountain, amphitheater seating, a circular stage to accommodate small performances, and hardscape and landscape improvements to enhance this urban park experience. This larger of the two public park areas at the Marina gateway would be further enhanced by the incorporation of significant public art, which requires further consideration by Applicant.

As submitted, the project is in conformance with the *Marina's Specifications and Minimum Standards of Architectural Treatment and Construction*.

The Department recommends CONCEPTUAL APPROVAL of the revised redevelopment DCB #02-026-B with the following conditions:

- 1) For post-entitlement DCB review, Applicant will provide full project design details for the buildings, promenade, landscaping, signage, lighting, and the provision of public art; and**
- 2) Any subsequent significant use changes shall require further DCB review and approval before continuing through the entitlement process.**

SW:JJC:s



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Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

September 14, 2006

TO: Design Control Board

FROM: Stan Wisniewski, Director

SUBJECT: AGENDA ITEM 5A – PARCEL 64 – VILLA VENETIA APARTMENTS – DCB #06-018

Item 5A is submitted by Lyon Management Group, Inc. (Applicant) for consideration of the repainting of Villa Venetia Apartments. This application is in response to a previously issued maintenance/deficiency report issued by the Department's Facilities & Property Maintenance Division.

Project Description - Applicant proposes to repaint the existing facility in the following colors:

- Main body and balcony insets: DE 6200 Handwoven;
- Stucco trim and accents: DE 6230 Center Ridge;
- Balcony accents, ceiling and post: DEC 764 Inside Passage; and
- Entry door and wrought iron: DE 6321 Soot.

STAFF REVIEW

The facility is currently painted a pinkish and brown combination, with railings in grey. Staff believes the proposed color palette is acceptable and will give the facility a more attractive and modern look. The existing large yellow planters in the courtyard areas will not change color.

The Department recommends APPROVAL of DCB #06-018, as submitted.

SW:MF:cs



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September 14, 2006

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

TO: Design Control Board

FROM: Stan Wisniewski, Director *SWisniewski*

SUBJECT: **AGENDA ITEM 5B – PARCEL 131 – CAFÉ DEL REY – DCB #06-019**

Item 5B on your agenda is a submittal from Tavistock Restaurants, LLC (Applicant) for new signage at Café del Rey. The Applicant is updating its signage to a more modern look. A total of three new signs are proposed, as detailed below.

Sign A – This proposed front elevation sign will be flush-mounted to the existing fascia and comprised of internally illuminated, facelit channel letters and a geometric logo. The logo is 5-inch deep aluminum painted rust orange (PMS 1525U) and khaki (PMS 451U). The mast lines on the orange portion are routed out and backed with #7328 white acrylic.

The letter copy will read "Café del Rey" in a corporate font. The letters are 5-inch deep painted channel aluminum with pre-finished white returns. The letter faces are #7328 white acrylic with a 0.5-inch white trimcap. The overall dimensions of the sign will be 21' wide by 47" high, for a total of slightly less than 84 square feet in area.

Sign B – The proposed monument sign will be double faced and internally lit. It will consist of an 8' wide by 55 $\frac{5}{8}$ " high by 18" thick aluminum cabinet atop an 11'-5 $\frac{1}{8}$ " steel tube support frame. The cabinet will display the same lettering, font and colors as the front elevation sign, with returns and revel painted #41-312 medium bronze. The support poles will also be painted #41-312 medium bronze.

The cabinet will measure approximately 37 square feet in area, which is a little less than half the size of the existing sign cabinet, and the base will be approximately 11'-5 $\frac{1}{8}$ " above grade. As there is a clearance of over 11' under the sign cabinet, there will be no obstructed views of traffic.

Sign C – The proposed parking directional monument sign will be double faced and internally lit. It will consist of a 3' wide by 24" high by 8" thick aluminum cabinet atop a 3'-10 $\frac{1}{2}$ " steel tube support frame. The cabinet will display the same lettering, font and colors as the front elevation sign, with returns and revel painted #41-312 medium bronze. The support poles will also be painted #41-312 medium bronze.

The cabinet will measure approximately 6 square feet in area, which is a little less than half the size of the existing sign cabinet, and the base will be approximately 4'-9" above grade. As the sign is set back 15' from the road, there will be no obstructed views of traffic.

STAFF REVIEW

The new signage is designed to complement the recent landscape changes approved by your Board (DCB #05-028) to give the restaurant a more modern look. The proposed color palette is attractive, and the masting design on the orange portion of the logo is reminiscent of the sun setting in a marina.

Staff believes the proposed designs will enhance the appearance of Café del Rey and meet the desired design objectives for the Marina. On its preliminary review, the Department of Regional Planning has indicated the signage area and appearance are acceptable. The project is in conformance with the *Marina del Rey Minimum Standards of Architectural Treatment and Construction*. Following your Board's approval, the signage will require further review and approval by the Department of Regional Planning.

The Department recommends APPROVAL for DCB #06-019, with the condition that the Applicant obtain further approval from the Department of Regional Planning.

SW:MF:cs



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September 14, 2006

Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

TO: Design Control Board

FROM: Stan Wisniewski, Director

SUBJECT: AGENDA ITEM 5C - PARCEL 50 - BANK OF AMERICA AT WATERSIDE MARINA DEL REY - DCB #06-020

Item 5C on your agenda is a submittal from Bank of America (Applicant) for a partial renovation of its facility located at the north end of "Building C" in Waterside Marina del Rey. This renovation will focus on bringing the Applicant's customers inside the building.

Project Description - Proposed renovations include installation of new main entry and egress doors, removal of an obsolete envelope dispenser, and removal of existing ATM machines on the north and south sides, enabling the Applicant to install secure card-accessed 24-hour ATM vestibules for its customers on both the north (main parking lot) and south (Admiralty Way) sides of the building. The renovations are detailed below:

- Automated Teller Machines (ATM):
 - Three existing ATMs on the north wall, two east of the entry and one west of it, will be removed. The east wall will then be in-filled with brick, painted ICI #715 Ivory Coast to match the existing wall. The west wall will be demolished and replaced with new storefront windows that will match new double entry doors.
 - Two existing ATMs on the south wall, west of the entry, will be removed. The wall will then be in-filled with brick, painted ICI #715 Ivory Coast to match the existing wall.
- Envelope Dispenser: An obsolete envelope dispenser east of the south doors will be removed. The wall will then be in-filled with wood, painted ICI #715 Ivory Coast to match the existing surrounding wood paneling.
- Double Door Entry: The north double entry doors will be removed and replaced with new doors of the exact same type. This replacement is necessary because the adjacent wall to the west will be replaced with windows once the two ATMs there are removed. The double doors on the south side will remain unchanged.

- Egress Door: A new single egress door will be installed, just east of the north entry to the bank. As the new ATM vestibules will be secured internally after business hours by metal roll-down doors, this egress door is necessary for after-hours employees and occupants to exit the building.

STAFF REVIEW

Staff believes the proposed renovations will maintain the look consistent with the existing building design, and will allow customers of Bank of America to have a safe environment when accessing an ATM. The project is in conformance with the *Marina del Rey Minimum Standards of Architectural Treatment and Construction*.

The Department recommends APPROVAL of DCB #06-020 as submitted.

SW:MF:cs



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Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

September 14, 2006

TO: Design Control Board

FROM: Stan Wisniewski, Director

SUBJECT: AGENDA ITEM 5D – PARCEL 75 – MARINA PROFESSIONAL BUILDING – DCB #06-021

Item 5D on your agenda is a submittal from Del Rey Professional Association (Applicant) for the Del Rey Surgical Center at Parcel 75 (Marina Professional Building).

Project Description - Applicant has leased 4,180 square feet to an ambulatory surgical center on the first floor of the existing 3-story medical building. The ambulatory surgical center requires an emergency generator. Accordingly, Applicant proposes that: a) an emergency generator be added to the Lincoln Blvd. side of the building; b) a new storefront exit door be added facing Admiralty Way; and c) a fire sprinkler valve to accommodate the fire sprinklers in the surgical center's office be placed on the existing lawn area near the Admiralty Way driveway. The details are as follows:

- Emergency Generator

The emergency generator will be placed on the Lincoln Blvd. side of the building between an existing stairway and existing electrical service area. The generator is 9'-2" long by 3'-4" wide by 5'-6" high and will be located approximately 26' from the street curb and 3' above street level. It will be screened from view with a metal gate painted the same color as the existing metal gates throughout the building (Dunn Edwards DE5845 Americana LRV 16). The screened area will be 15'-7" long by 7'-9" wide by 7' high. In addition, several large existing trees positioned between the generator and the street will aid in screening it from view.

- New Storefront Exit Door

The new storefront exit door will be located at the easterly part of the front of the building, facing Admiralty Way. It will be a 4' wide by 7' high door that will match both the existing storefront assembly and the storefront glass in material and color.

- Fire Sprinkler Valve

To accommodate the fire sprinklers in the ambulatory surgical center, a fire sprinkler valve will be placed in an existing lawn area near the driveway on Admiralty Way and covered with shrubs if necessary to conceal it. The valve is approximately 5' wide and 4' to its top with its bottom approximately 30" up from the ground. It will be painted Dunn Edwards DEA Cherry Bomb LRV 13. Alternatively, the fire sprinkler valve can be placed in an existing planter at the corner of Bali Way and Admiralty Way.

STAFF REVIEW

The plans for screening the emergency generator and installing the new exit door are designed to incorporate the existing architectural elements of the building with minimal visual impact. The placement of the fire sprinkler valve is designed to make its presence as unobtrusive as possible. The project is in conformance with the *Marina del Rey Minimum Standards of Architectural Treatment and Construction*.

The Department recommends APPROVAL of DCB #06-021 as submitted. If the fire sprinkler valve will require additional screening landscaping, the Applicant must return at a later date with a landscaping plan.

SW:MF:ks



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Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

September 14, 2006

TO: Design Control Board
FROM: Stan Wisniewski, Director
SUBJECT: AGENDA ITEM 6A - TEMPORARY PERMITS ISSUED BY DEPARTMENT

Item 6A on your agenda provides us an opportunity to advise your Board of permits issued by the Department for temporary banners, signs and tents. Since our last report, the Department issued the following:

TP #06-011 – Temporary permit for three banners at a picnic shelter in Burton Chace Park. The banners were permitted on August 26, 2006 only.

Additional information is provided in the attachment.

SW:PW:CS
Attachment



To enrich lives through effective and caring service



August 23, 2006

Stan Wisniewski
Director

Kerry Gottlieb
Chief Deputy

Ms. Ellen Blackman
4258 Beethoven St.
Los Angeles, CA 90066

**TEMPORARY BANNERS AT CHACE PARK
(TP 06-011)**

Dear Ms. Blackman:

By means of this letter and the appropriate concurrence from Jose Mata in our Community & Marketing Services Division, you are permitted to place three (3) temporary banners at picnic shelter A in Burton Chace Park. The banners shall be constructed as follows:

- One 3-foot by 5-foot white vinyl banner with 9-inch black lettering stating " BZ FAMILY REUNION" in a comic sans font; and
- Two 2-foot by 3-foot white vinyl banners with 8-inch red and blue lettering stating "HAPPY 90th PHYLLIS" and "HAPPY 90th MIRRY".

The banners will be mounted to the wooden beams of the picnic shelter with small nails through grommets in the banners. The banners are permitted on Saturday, August 26, 2006 only. The banners must be removed by midnight on August 26, 2006. Failure to remove the banners by this time will result in their removal and storage by the County of Los Angeles at your expense. Should you have any further questions or requests, please contact Jose Mata at 310-822-8530.

Very truly yours,

STAN WISNIEWSKI, DIRECTOR

Michael Fischer, Chief
Planning Division

SW:MF:CS

cc: Wayne Schumaker
Bob Stassi
Mark Spiro
Lynn Atkinson
Jose Mata



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Stan Wisniewski
Director

Kerry Silverstrom
Chief Deputy

September 14, 2006

TO: Design Control Board
FROM: Stan Wisniewski, Director *Stan Wisniewski*
SUBJECT: **AGENDA ITEM 6B - ONGOING ACTIVITIES REPORT**

BOARD OF SUPERVISORS ACTIONS ON ITEMS RELATING TO MARINA DEL REY

On September 12, the Board of Supervisors approved plans and specifications for construction of a new stormwater diversion system at Marina ("Mother's") Beach, to divert surface flows from Basin D (Marina Beach) to Basin C (south of Panay Way) where there is no water contact recreation. Bids for project construction are due on October 12, 2006.

LOCAL COASTAL PROGRAM PERIODIC REVIEW – UPDATE

Coastal staff still anticipates the revised report will be brought back for consideration to the November Coastal Commission meeting, which is now identified on the Commission's website as being held in Huntington Beach. County staff is in the process of preparing staff comments to the revised report and, thereafter, intends to meet with Commission staff to discuss areas of agreement and to seek resolution on areas still in dispute.

SMALL CRAFT HARBOR COMMISSION MINUTES

The August 9, 2006 minutes are attached.

MARINA DEL REY URBAN DESIGN GUIDELINES UPDATE

We would like to schedule a meeting of one or two Board Members to discuss the scope of this effort with Keith Gurnee of RRM Design Group. We request the Chair to identify these Board Members so we can schedule the meeting.

REDEVELOPMENT PROJECT STATUS REPORT

Attached is a copy of the project status report providing details and the current status of projects in the redevelopment process in the Marina, now additionally revised to include, to the extent known, building heights and the number of structures. Copies of this report are also available at the Lloyd Taber-Marina del Rey Public Library and on the Department's web site (marinadelrey.lacounty.gov).

MARINA DEL REY AND BEACH SPECIAL EVENTS

MARINA DEL REY

DISCOVER MARINA DEL REY DAY 2006

Sponsored by the Los Angeles County Department of Beaches and Harbors
and Arrowhead Mountain Spring Water
Burton Chace Park
Sunday, October 8
11:00 a.m. to 4:00 p.m.

Discover Marina del Rey Day 2006 is a community event that can be enjoyed free of charge to the public, featuring games, music, face painting and a children's marionette show. Visitors who wish to use the popular inflatable games can pay \$5.00 for a wristband. Food and soft drinks are also available for purchase at the park's restaurant, Café Lorelei, throughout the day.

Displays and demonstrations will be provided by Los Angeles County health and environmental agencies, as well as safety displays by the Los Angeles County Fire Department, Fire Department Lifeguard Operations Division, and the Sheriff's Department.

Parking at a reasonable rate is available in County Lot 4 near the venue and in County Lot 5 on Bali Way.

For more information call: Marina del Rey Information Center at (310) 305-9545.

FISHERMAN'S VILLAGE WEEKEND CONCERT SERIES

Sponsored by Pacific Ocean Management, LLC
All concerts from 2:00 pm - 5:00 pm

Saturday, September 16

Bobby Griffin, playing Blues

Sunday, September 17

William Nathan & The Elements, playing R&B

Saturday, September 23

Michael Haggins Group, playing Smooth Jazz

Sunday, September 24

Upstream, performing Caribbean/Reggae

Saturday, September 30

Javid, playing Flamenco/Jazz

Sunday, October 1

Kid & Nic, playing Americana/Pop

For more information call: Dee Lavell Gilbert at (310) 822-6866.

BEACH EVENTS

COASTAL CLEANUP DAY

Heal the Bay
Saturday, September 16
9:00 a.m. to noon

Coastal Cleanup Day is a great opportunity for you, your family, friends and neighbors to join together to take care of our fragile marine environment. Show community support for our shared natural resources, learn about the impact of marine debris and how we can prevent it, and have some fun! ***If you volunteer just one day a year, this is the event!***

For volunteer registration and information call: (800) HEALBAY or visit www.healthebay.org.

DRIVE-IN AT THE PIER

Santa Monica Pier
Through September 26 at Sunset

You won't need your car to enjoy the classic ambiance of this very special event. Just bring something or someone to keep you warm as the Pier screens a fun, family-oriented film on a huge screen under the night sky every Tuesday evening through September 26 for a great cause, The Cancer Relief Fund. Admission is FREE but tickets will be required for entry. Get your tickets at the Santa Monica Visitor's Center location at 1920 Main Street and Santa Monica Convention and Visitor's kiosk at 1400 Ocean Avenue. Doors will open at 7:00 pm.

The remaining line-up, featuring fun family classics and some new favorites, is as follows:

- September 19 - Grease
- September 26 - An Inconvenient Truth

For tickets and further information call: The Santa Monica Pier at (310) 458-8900 or visit the website www.smff.com.

2006 NAUTICA MALIBU TRIATHLON

Zuma Beach
September 16 – September 17, 2006

Saturday Festival Gears Up for the Triathlon! See you at Zuma Beach, the Nautica Malibu Triathlon site, September 16, for a spectator festival with a sandcastle demo and instructional clinics. Marvel at the sandcastle sculptors, take in an instructional clinic and enter to win exciting prizes! ALL activities FREE to the public, great for the whole family. Clinic subjects to include: Triathlon Biking, Wellness and Nutrition, Training and Motivational Tips.

Schedule of events:

10:00 a.m. Start of Sandcastle Demo
1:00 - 5:00 p.m. Interactive Booths
1:00 - 5:00 p.m. Triathlon Registration

Nautica Malibu Triathlon, Zuma Beach, September 17, 2006 proceeds go to the Elizabeth Glaser Pediatric Aids Foundation. The Elizabeth Glaser Pediatric AIDS Foundation is the leading worldwide nonprofit organization dedicated to identifying, funding and conducting pediatric HIV/AIDS research, preventing mother-to-child transmission of HIV, and promoting global education, awareness and compassion about HIV/AIDS in children. Triathlon begins at 7:15 a.m. and registration is required. The parking lot will close at 7:00 a.m. to not disrupt the course, so please arrive before then to ensure you don't miss anything! It is highly recommended that you arrive before 7:00 a.m., but if you arrive late, there will be very limited parking available at Malibu High School, located at 30215 Morning View Road.

For registration and further information call: Michael Epstein Sports Productions (818) 707-8867 or go to www.mesp.com.

FREE FISHING DAY
Saturday, September 23

The Department of Fish and Game offers a "Free Fishing Day" Saturday, September 23. There is no fishing license required to fish in California on this day. This is a great, low-cost way to give fishing a try.

For more information call: The Department of Fish and Game at (916) 227-2245 or visit www.dfg.ca.gov/licensing/fishing/freefishdays.html.

SW:MF:cs

Attachments (2)

Small Craft Harbor Commission
August 9, 2006
Minutes

Commissioners Present

Harley Searcy, Chairman
Russ Lesser, Vice-Chairman
Albert Landini, Ed.D
Christopher Chuang-I Lin, Ph.D.

Department of Beaches & Harbors: Stan Wisniewski, Director
Barry Kurtz, Traffic and Transportation Engineering Consultant

Other County Departments: Thomas Faughnan, Principal Deputy County Counsel
Lt. Greg Nelson, Sheriff's Department
Deputy Paul Carvalho, Sheriff's Department

Also Present: Beverly Moore, Executive Director, MdR Convention & Visitors Bureau

1. CALL TO ORDER, ACTION ON ABSENCES AND PLEDGE OF ALLEGIANCE

Chairman Searcy called the meeting of the Los Angeles County Small Craft Harbor Commission to order at 9:30 a.m. in the Burton W. Chace Park Community Room, Marina del Rey.

The Commissioners, staff and members of the public stood and recited the Pledge of Allegiance.

2. APPROVAL OF MINUTES

Vice-Chairman Lesser moved and Commissioner Landini seconded a motion to approve the July 12, 2006 minutes. The motion passed unanimously.

As Chairman Searcy had to leave early, he announced that he would take Agenda Items 4a and 5a out of order to that they could be discussed in his presence.

4. OLD BUSINESS

a. Follow Up to Memorandum Regarding Commission's Authority Relating to Liveaboard Issues; Effect of Policies Adopted by the Commission

Mr. Faughnan informed the Commission that at its June 2006 meeting he provided a report concerning the Commission's authority relating to liveaboard issues in the Marina. At that meeting, further questions were raised that pertained to liveaboard issues as well as the effect of policies adopted by the Commission. Mr. Faughnan's response to these questions is provided in the August 3, 2006 report to the Commission.

In the August report, Mr. Faughnan responds to the Commission's question concerning the name of the case that held that the County's liveaboard eviction ordinance was unconstitutional. Mr. Faughnan indicated the case was Villa Del Mar Properties, LTD, et al. v. County of Los Angeles Superior Court Case No. WEC 059213 A, which was a 1981 case.

The report also responds to the Commission's request for information on the legal rights and obligations of liveaboards. Mr. Faughnan stated that generally speaking, liveaboards must

comply with County Code, Section 19.12.1110, which requires liveaboards to obtain a permit from the harbormaster.

As for liveaboard evictions, Mr. Faughnan explained that the courts upheld the use of unlawful detainer actions to evict slip tenants, including liveaboards, and have not extended any special rights and privileges to liveaboards. Generally, the notice of termination requirements for boat slip tenants and apartment tenants are now the same. Prior to January 2006, apartment tenants in certain situations were afforded a 60-day notice of termination. This is no longer the case. The statute sunseted January 1, 2006. It's no longer in effect and the legislature hasn't taken any action to renew it. The general termination provisions in the civil code would be 30-days when there is no contractual agreement specifying some other term. When the contract is over and the tenants are renting on a month-to-month basis, the term would be 30-days. This applies for both apartment and boat slip tenants. The only exception would be under the floating home residency law, which is a State law that provides a 60-day notice of termination for floating homes meeting State requirements. Generally speaking, Mr. Faughnan is not aware of any floating homes in the Marina that meet the State requirements nor any Marina leaseholds that can be considered floating home marinas for the purposes of State law. With respect to discrimination, State discrimination laws apply equally to all businesses; therefore, both apartments and boat slips are equally covered under State discrimination laws.

Mr. Faughnan continued, stating that the Commission had also requested County Counsel opinion on the effects of the height limitation policy adopted by the Commission. This policy was adopted at the October 2002 meeting and provided that the maximum height recommended for any new structure in the Marina should be no greater than 162 feet above grade, with the exceptions of Parcels 9, 10, FF and 145, which may proceed at a maximum height of 225 feet. Mr. Faughnan said that the Small Craft Harbor Commission is an advisory body only and a policy adopted by the Commission can only govern the Commission's recommendations. The policy does not alter the legal entitlements set forth in the Specific Plan or the authority of the Board of Supervisors or Regional Planning Commission to approve projects not consistent with the Small Craft Harbor Commission's policy.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Ms. Dorothy Franklin, Bar Harbor resident, informed the Commission that she is a member of POWER (People Organized for Westside Renewal), which is a local community organization that works on important issues in Marina del Rey, West Los Angeles, Culver City and Santa Monica. The organization has over 1,000 members who are committed to working on affordable housing, better schools and liveaboard rights. The organization recently wrote and won the passage of the California Reform Bill, which will reduce the amount of sugar, salt and fat served in cafeteria food in all 806 L.A. Unified School District public schools. In the past year, the organization also won over \$30 million for affordable housing to be built in Venice and Marina del Rey. Simply put, POWER is an organization comprised of local community members who get things done to improve the neighborhood. She said that the organization attended today's meeting to represent hundreds of Marina residents and to support defined, clear and fair liveaboard rights that provide needed protection for Marina liveaboards.

Further, Ms. Franklin said that there aren't many rights and protections for liveaboards. Liveaboards have been under siege from dockmasters who employ intimidation tactics to force liveaboards out of the Marina. Dockmasters have raised rents, issued evictions and limited liveaboards to monthly leases. The result has been a sense of anxiety among Marina liveaboards. Liveaboards are outraged that their boats can be seized at any time leaving them with no place to live. This is unacceptable. She said that POWER is glad the Commission has taken the time today to discuss this important issue. She and other liveaboards took time to walk the docks and talk to liveaboards about this situation and what rights are needed to live a quality life in the Marina. The organization compiled the information and created a liveaboard bill of rights (Attachment A), which one of the members distributed to the Small Craft Harbor Commission.

Ms. Franklin said that the bill of rights addresses the liveaboard crisis head on. The organization wants fair leases, protection from unfair and no-cause evictions and reasonable fees. The group also wants the Commission to take a stand and support the bill of rights and adopt it as a resolution, make a recommendation to the Board of Supervisors to support the bill of rights and develop a policy for liveaboard rights and support and recommend to the Board that there be a moratorium on all no-cause evictions until a liveaboard rights policy is drafted.

Ms. Nancy Marino, Marina resident, said that Mr. Faughnan from the County Counsel's office found that not only will there be no support of liveaboards, but things will be made harder for landside tenants. She said that it is reprehensible. The County should and ought to use the best standard and most generous standard available in policy or law as it applies to any tenant.

Chairman Searcy clarified that Mr. Faughan does not make policy and had only informed the Commission of the status of the liveaboard ordinance.

Ms. Marino said that she understood Mr. Faughnan does not make policy; however, a policy could be established. She believes the standard language in the County leases require that individuals be of good character and that individuals who are either a lessee or have a ownership interest in the leasehold entity be of good character and not have a history of discriminatory employment practices or non-compliance with environmental laws, other legal requirements, ordinances or policies of the County. Ms. Marino believes there is an existing policy that provides protection for tenants rather they be on the water or on land. She thinks the lease provision provides the basis upon which the County can use its bully pulpit to advocate a 60-day or some reasonable period of notice for both landside and apartment tenants regardless of what sunset clause may have allowed a lesser consideration for tenants. The entire community is being subjected to tremendous upheaval and she thinks any consideration that can be given to community members should be given.

Mr. Tony Papa, boater and POWER member, informed the Commission that he and other group members dock-walked during the summer. Every boater the group encountered was responsive and interested in the liveaboard issue. The boaters are looking to POWER to make a difference and approximately 200 of them were registered. Mr. Papa said that morning Commission meetings are tough for most people to attend and he requested that the Commission conduct an evening meeting.

Mr. Chris Gabriele expressed his agreement with the other speakers. He said he understands that the Commission can't make policy, but he believes it can make recommendations, adopt resolutions and make statements. He requested that the Commission support the bill of rights, adopt it as a resolution and make a recommendation to the Board of Supervisors to support it and develop a policy for liveaboard rights and support and recommend to the Board a moratorium on all no-cause evictions until a liveaboard policy is drafted.

Ms. Pamela Hamar, Marina liveaboard, expressed her support for the liveaboard bill of rights. She said that liveaboards are under siege and are not protected. Her neighbors are being evicted and that's tough. The Marina was built for small craft and regular people and the County is trying to make it a mega yacht type thing. She said this is all fine, but questioned what happens to people who have lived in the Marina for 30-years. She said that the issue is about democracy, civil rights and freedom not to fear eviction. A lot of senior citizens live here. There are also people on her dock who lost their slips because they had a 22-foot vessel and they now have no place to go. Ms. Hamar mentioned that there are also boats that are homes and are hooked up to power and sewers.

Ms. Hamar requested the Commission to take a stand and fight for what is right and just. She asked for its support of the liveaboard bill of rights and that the Commission recommend Board support as well as a moratorium on all no-cause evictions until a liveaboard policy is passed.

Ms. Carla Andrus informed the Commission that she too is a member of POWER, which has been very effective. For example, the Goldrich and Kest project had no intention of fulfilling its housing obligations. POWER got involved and rectified the situation. The County is now reviewing the housing policy and has a real opportunity to help liveaboards, who are in a crisis. She read item number three of the policy, as follows:

Marina del Rey lies completely within the State coastal zone and is subject to the affordable housing requirements embodied in the Act. The Act mandates the creation of affordable housing if feasible whenever either existing affordable housing in the coastal zone is removed or when new additional housing is constructed. According to the Act feasible means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social and technical factors. This affordable housing requirement is echoed in general terms in the Marina del Rey Land Use Plan.

Ms. Andrus said that affordable housing could be provided in a reasonable manner and in a reasonable period of time. When affordable housing units are removed, they should be replaced. She questioned how they would be replaced.

Ms. Andrus also responded to Vice-Chairman Lesser's question (from the July meeting) about the number of slips that have been removed. She said that it's approximately 2,000 slips, which means 200 opportunities for affordable housing were lost. Many people have been displaced and many are homeless, which is a scandalous occurrence that shouldn't happen in the Marina.

Mr. Barry Norcross, Marina liveaboard and member of POWER, said that he has a lease that was instituted this year. Prior to the current lease, Mr. Norcross had no lease for three years but did have a lease for many prior years. He expressed his hope that other boaters are able to obtain one. He said that there isn't a big showing at the Small Craft Harbor Commission meeting because people are intimidated and afraid of being labeled troublemakers. The dockmasters take notice of that. Evictions are a real problem. There is no established precedent. He said evictions should be heard before a mediation board consisting of boaters and liveaboards that understand the issue, which is unique. Apartment tenants who are evicted have opportunities to find other apartments but liveaboards have fewer choices when evicted.

Mr. Norcross said that most liveaboards have good jobs, work, vote and are responsible people. The Commission should remember that liveaboards are voters. He said that the liveaboard bill of rights echoes the U.S. Constitution and Article 4 of the bill of rights.

Ms. Pat Phillips, liveaboard and POWER member, expressed her concern about the boat owners on dock D-1700 at Holiday Harbor, who were all given eviction notices. The reason seems to be that the old dock is being removed and will be replaced with a new one. Some of the boat owners have gone, some are trying to sell their boats and some have no place to go and are extremely stressed. She is worried about them.

Ms. Phillips said that many months ago the Commission was shown articles published in 2005 in both The Log and The Sea magazines about dock replacement in Long Beach marinas. The tenants would be relocated to guest docks and welcomed to return after the project's completion. Ms. Phillips said that Chairman Searcy asked Mr. Wisniewski at a previous meeting whether similar arrangements could be made in Marina del Rey and Mr. Wisniewski indicated that he would look into the matter. Ms. Phillips asked the status of the research.

Mr. Wisniewski responded that discussions were held with lessees and staff explained to them that the County is willing to cooperate with transitioning slip tenants from dock to dock as docks are being replaced. The Department offered to assist the lessees and make the transient docks available if needed. The lessees were also encouraged to use some of the slip vacancies in other leaseholds.

As for a problem at Holiday Harbor, Mr. Wisniewski said that he is not aware of it, but will look into the matter and report back to the Commission. He also commented that there is a difference between transitioning tenants and evicting them. He hopes that the lessee is phasing the development to transition the tenants from a permanent space to a temporary space then back to a permanent space.

Mr. Donald Klein said that Beaches and Harbors has the duty, right and responsibility to tell the lessees what to do, as the lessees are agents of the County. The County is in control. The County and lessees are not separate entities. Public Law 780, which was in effect when the Marina was developed, required that the Marina be open to all on an equal basis. The fact that each lessee has a different policy flies into the face of the law.

Mr. Klein referenced Mr. Faughnan's August 3, 2006 report, which indicated that the name of the lawsuit challenging the former County Code 19.12.940 (liveaboard eviction ordinance) is Villa Del Mar Properties, LTD, et al. v. County of Los Angeles. The County did not appeal the Superior Court judgment. Mr. Klein said the County should have appealed the judgment based on the fact that the Derfus case pertained to affordable housing. Mr. Derfus was evicted and he challenged it on the basis that the eviction denied his right to affordable housing.

Mr. Klein said that if POWER and Beaches and Harbors can't come together and take action on boaters' rights, there's the possibility of a legal case. There is an issue of equal protection under the law. There is a serious problem here and he suggested that the Commission support the liveaboard bill of rights, adopt it as a resolution and make a recommendation to the Board of Supervisors to support the bill of rights and develop a policy concerning it. The Coalition to Save the Marina concurs fully with the POWER organization.

Vice-Chairman Lesser commented that he doesn't believe there to be full agreement on the accuracy of Mr. Klein's description of the County/lessee relationship.

Mr. Ruben Cardona, 14-year liveaboard in the Marina, informed the Commission that he is a good citizen and is a quiet tenant. He just received a 30-day Notice to Quit, which he doesn't think is fair, particularly as he's been a long-time resident. Mr. Cardona relocated his boat and is hopping around like a frog from Chace Park to different slips. He feels homeless. His 85-year old mother lives in the area and he sees her everyday. He can't afford to move away from her. Mr. Cardona requested the Commission's assistance in the matter.

Commissioner Landini said, as he understands it, the County's power resides within the leases, so if the County wanted to require a review process for evictions it would have to be included as a provision in the lease agreement.

Mr. Wisniewski commented that Commissioner Landini is correct.

Commissioner Landini asked how the floating home definition (per page 3 of Mr. Faughnan's report) is applied in the Marina.

Mr. Faughnan responded that floating homes are defined in the County code for the purpose of their limited exemption from the seaworthy ordinance. When the County adopted its definition of what is seaworthy, existing floating homes could not meet the standard and their owners were given a ten-year amortization period to use their homes without having to comply with the seaworthy ordinance. This ten-year period is over, but existing homeowners are okay. If they decide to sell, however, their homes would no longer be exempt and must comply with the seaworthy ordinance.

Commissioner Landini asked whether floating homeowners (who meet the County definition of floating homes) meet the affordable housing criteria.

Mr. Faughnan responded that he doesn't believe they meet the criteria because floating homes are owned by the boat owner and are not being leased by the lessee. They're in private ownership.

Commissioner Landini said it seems that the ultimate recourse for the people in power and those allied with their thinking is to seek and obtain change in State legislation to broaden the floating home residency law.

Mr. Faughnan agreed that the sure way to address the issue is with the legislature. He said that, clearly, at some point floating home advocates went to the legislature and obtained an exemption to the State law notice of termination requirements. The legislature approved the exemption because it found relocating floating homes to be difficult and costly. Floating homeowners were given additional time, which doesn't mean that they can't be evicted, but there are limits to the cause for evicting a floating home from a floating home marina. There's no reason why liveaboards could not petition the State legislature for changes in the law. The problem with the County doing so, as it attempted to do several years ago, is that the County has a contractual relationship with the lessees. As the liveaboards within Los Angeles County are limited to this particular area, the County can't simply legislate around its contract and contravene its contract through an ordinance.

Mr. Faughnan said it isn't as Mr. Klein asserts that the County has an agency relationship with the lessees and tells them what to do, but rather the County has a contractual relationship with the lessees. If the legislature adopted a statute governing liveaboards, the statute would be applicable throughout the State. The State legislature does not have contracts with the Marina lessees so it wouldn't run into interference with contract issues as the County would.

Commissioner Landini asked whether the Board of Supervisors proposes legislation to the State legislature.

Mr. Faughnan responded that the Board at times promotes legislation and initiates legislation.

Commissioner Landini asked whether the Commission is in the position to request or recommend that the Board consider initiating legislative change.

Chairman Searcy responded that he thinks it is within the Commission's authority to make such a recommendation and believes the matter to be important; however, he'd like the opportunity to first review the material presented to the Commission and further discuss the issue at a future meeting.

Commissioner Landini said that he would draft a letter (for the Commission) recommending that legislation be initiated to broaden the definition of liveaboards and allow them to have the same rights as renters. Commissioner Landini indicated that he would send the letter to Mr. Wisniewski for review.

Chairman Searcy requested that the letter be shared with the Commission after Mr. Wisniewski's review.

Commissioner Landini requested that members of the public not approach him privately to advocate for their position on the issue, as his intent is to try and open a path where their arguments could be heard and responded to. He doesn't want it to be misconstrued that he is either an enemy of or advocate for the POWER organization.

Vice-Chairman Lesser commented that the issue is complex and he said the Commissioners have heard at several meetings from members of the public that the County doesn't want liveaboards, which is a statement he doesn't believe to be true. He said the Sheriff Department's liveaboard report indicates that at the end of 2005 there were more liveaboards in the County than there ever had been, at least going back to the year 2000. Obviously, the lessees aren't

trying to eliminate liveaboards, as data indicates they are increasing. At the end of 2000, there were 492 liveaboards. At the end of 2005, there were 583, representing almost a 20% increase in liveaboards in a five-year period.

Vice-Chairman Lesser said that overall there's an increase in liveaboards; however, there is difficulty with individual cases. He agreed with the speaker's comment that when a tenant is evicted from an apartment, the tenant has many more apartments to which he could relocate. When a tenant is evicted from a slip, however, it's not that simple. Vice-Chairman Lesser expressed hope that tenants aren't being evicted without reason.

Further, Vice-Chairman Lesser commented that the Commission has been told at several meetings that liveaboards were being evicted; however, investigation revealed certain problems with them, such as their boats not being maintained. Consequently, the liveaboards weren't seen as desirable. This is similar to apartment tenants who are evicted because of their undesirability. He emphasized, however, that evicting tenants for no reason is inappropriate. As for what can be done about it, Vice-Chairman Lesser said that an attempt was made when State law was changed to require a 60-day termination notice. The statute sunseted and changed back to 30-days. He said that, apparently, there aren't a lot of tenant rights advocates in the legislature to support allowing the 60-day period to remain. The present legislature apparently is not as concerned as the prior legislature. He said the County could advocate and encourage, but can't legally do much of anything else at this point in time. The County tried to protect liveaboards by enacting an ordinance but it was declared unconstitutional. He doesn't have a good answer and hates to see people getting evicted. The Commission should encourage pressuring lessees to make every effort to find temporary slips for tenants when the docks are being repaired and Vice-Chairman Lesser believes the lessees try to do this to a great degree.

5. NEW BUSINESS

a. Approval of Option for Lease to Facilitate Redevelopment – Parcel IR (Marriott Residence Inn) – Marina del Rey

Mr. Wisniewski informed the Commission that the staff report proposes that a lease Option be granted to the prospective lessee to build the Marriott Residence Inn on County parking lot IR, which is at Marina Beach. The parking lot has approximately 200 public parking spaces all of which must be replaced either on-site or in the vicinity. The current proposal is to replace all but 88 of the spaces on-site. The 88 spaces will be put into a proposed low-level parking structure, which would be adjacent to Marina Beach.

Mr. Wisniewski said that the contract results from a Request for Proposals dating back a few years. The terms of the lease are outlined in the report. Once the prospective lessee meets certain requirements, he will have the ability to exercise the Option for a 60-year lease. The project has been conceptually approved by the Design Control Board. It will be a 147-unit AAA Three Star destination extended stay resort, essentially a Residence Inn. The lessee will pay for the pro rata portion of the parking structure cost because it's a project that the County will be constructing not only for the Residence Inn lessee but also for a couple of other lessees in the area that will need off-site parking to facilitate their development around Marina Beach.

Mr. Wisniewski explained that the Option's economic terms, including information about percentage rents, are outlined in the Board letter, which are standard for a hotel lease. There is an Option fee of \$100,000, which is payable immediately upon Board approval. The fee is non-refundable if the Option is not exercised. For standard provisions in long-term leases there is a participation in sale and refinance proceeds. Generally, it's 5% of the gross sale price or 20% of net proceeds. The Right to Recapture leasehold provision is included in all leases in the event that down the road if the County decides that when a lease is being sold the County needs the property, the County has the right to recapture it. An appraisal was done and it confirmed that the County is receiving at least fair market value in the transaction. The property is on approximately a 2.4-acre site. At the end of the day the County's revenue earned from parking will increase

from approximately \$78,000 to approximately \$703,000 annually, which will be a welcome addition to the County general fund.

Commissioner Landini expressed concern that by approving the lease the lessee will have the ability to go before the Design Control Board (DCB) and state that because he has a lease, the DCB can't alter the design plans. Commissioner Landini asked whether the lease, if approved, would tie the hands of DCB members on issues relating to design, height, etc.

Mr. Wisniewski responded that he didn't believe the Commission's approval would tie the DCB's hands, as the DCB already took a position and stated its concerns pertaining to height. The Department requested its consultant to provide an alternative plan, which was submitted and proposed a longer structure not more than 15' high. The Department will present the plan to the DCB. If the DCB isn't satisfied, the DCB's action will be presented to the Regional Planning Commission, then the Board of Supervisors.

Commissioner Landini asked what would happen if the DCB wanted more parking than what's stipulated in the lease.

Mr. Wisniewski responded that the Department would oppose this position; however, the DCB is welcome to make any recommendation it wants, which the Department would pass on to Regional Planning.

Commissioner Landini asked whether the leasehold has boat slips.

Mr. Wisniewski responded that it doesn't.

CHAIRMAN SEARCY OPENED THE FLOOR TO PUBLIC COMMENT

Mr. John Rizzo, president, Marina Tenants Association, informed the Commission about recent news articles that discussed San Diego's mismanagement and connection to Enron and Councilman Rosendahl's opinion that traffic problems should be fixed before allowing more development.

Mr. Rizzo said that a number of lawsuits have been filed and a judge will soon rule on them. He said it would be wise for the Commission to put a moratorium on any leases, as there is mismanagement of the highest degree going on in the Marina over the leases. He said that the Commission isn't protecting itself, Mr. Wisniewski or County Counsel by proceeding with the approval process and development in the Marina. He said that he's glad to see, "you're tuning up things. It's long overdue to clean up things here and give some protection to people and do this and that. It was just disgusting the way it was run. That's fine and I praise you for it. This thing is rotten and the best way to do it is to show you really mean business. No more leases, no more development until all of the courts rule because if these courts rule in our favor, and we are absolutely right, ...there is going to be a real...fallout. All this because one man, Supervisor Knabe, wanted campaign donations to pay off his debt because they put him into office."

Mr. Rizzo asked why should everybody sacrifice their good names and put themselves in danger for one man. He again requested that a moratorium be placed on development and commented that he doesn't like how the Parcel IR Option looks, as in the past such projects haven't been correctly administered. He asked that the contracts and development projects be placed on hold, otherwise, the Commission is endangering itself, Mr. Wisniewski and County Counsel for one man.

Ms. Carla Andrus agreed that a moratorium is needed. She said there are several reasons the Commission should deny the lease. She said that a Residence Inn is far from priority use. The certified Local Coastal Program (LCP) specifically mandates that each development project provide all required parking on-site. Until the County is successful in getting the LCP amended, the project has no validity. The Design Control Board has already rejected the proposed project.

Ms. Andrus questioned the authority of the Small Craft Harbor Commission to approve a project that clearly is not in compliance with the certified standards of development. Other alternatives that would satisfy the LCP requirements need to be considered first. It was Supervisor Don Knabe himself who invited public input. The public supports the alternative proposal to construct an Olympic-size swimming center at the location. This would not only expand public recreational opportunities but also preserve the panoramic view into the northern entrance, where a hub of activity will breathe new life into the Marina. Public workshops should be offered on the LCP, Land Use Plan, Asset Management Strategy and Coastal Act and they should be done to firmly reestablish the mandate because it is the mandate that provides the authority and guides the County's duty in governing the uses for this publicly owned Marina. This fact needs to be firmly established and hung on the walls of the library and entrance of the Visitors Information Center as a welcome. In conclusion she stated, "This is our Marina."

Ms. Nancy Marino respectfully requested that the Commission postpone consideration of Agenda Item 5a for two reasons. She said that, number one, Section 1.2.2 of the lease states that the County has the authority to enter into the lease. Section 3.2.2.2 requires that the premises should not be used or developed in any way in a manner inconsistent with permitted uses.

Ms. Marino said that the certified MdR Local Coastal Program specifically prohibits anything other than a park or parking on an existing public parking area. County Counsel made a statement to the contrary but failed to present adequate substantiation to the public for supporting this position. Ms. Marino discussed the matter with the Coastal Commission staff, which claimed that the LCP allows recreational buildings on an existing parking lot, but when she asked staff to identify the section that contains the provision, they admitted they couldn't find it. The language does not exist. The L.A. area supervisor offered some unconvincing amalgam of phrases and other sections, which permitted recreational development, but she remains convinced that this does not reflect either the actual language or the intent of the existing certified consensus agreement that is the Local Coastal Program. She said she doesn't believe the County has authority to enter into a contract that is not in conformity with the certified LCP. Until there is an LCP amendment that changes the language and intent, she doesn't believe the County will have the authority.

Ms. Marino stated that the second reason she requested that Agenda Item 5a be postponed is because the backlog of projects ahead of the Parcel IR project have so overburdened the County that it does not have adequate time to attend to the present workload. As a result the public opportunity to participate in the process has been curtailed or even thwarted. Public comment time is routinely cut from three minutes down to two minutes or even one minute at public hearings. On Monday around 4pm there was telephone notification advising the public that the LCP Review item had been removed from the Coastal Commission's Tuesday morning meeting agenda. Less than 24-hour notice was given because the County was not prepared and needed more time. Many members of the public had taken personal days, vacation days, and time off without pay in order to attend the meeting. Members of the public arranged carpools on their own time. The public spent its time after working full-time jobs preparing for the meeting only to find that it had no voice. The hearing has been postponed to an indeterminate time, but time is of the essence with the LCP Review. The LCP is the key to all Marina del Rey redevelopment and the public would like that attended to before any new projects proceed with the approval process. The County can barely keep up with the load that it has. There's no reason to add a new project to the workload.

Ms. Marino said that the lease she read indicated there would be 280 spaces on-site and 20 spaces off-site. She asked whether this number is correct.

Mr. Wisniewski responded that the number of parking spaces that require replacement depends on whether a traffic improvement measure is implemented on the corner of Via Marina and Admiralty Way. He believes that if the traffic improvement isn't done, the lessee's obligation will be approximately 20 spaces off-site. If the traffic improvement goes through, there would be an additional 60+ spaces that would have to be relocated off-site.

With respect to the lease, Mr. Faughnan clarified that the Commission was presented with the Option, which is conditioned upon the lessee obtaining all necessary entitlements that would preclude any necessary amendments to the LCP for the project to move forward. It would only be after the time that all the entitlements are obtained that the County would actually enter into the lease with the lessee. There is no reason to postpone action on the Parcel IR Option and wait to have the LCP amended.

Mr. Wisniewski emphasized that the lessee cannot exercise the Option for the lease until all entitlements are in line.

As for Ms. Marino's comment that the MdR Local Coastal Program specifically prohibits anything other than a park or parking on an existing public parking area, Chairman Searcy asked whether the LCP amendment relating to this issue is going forward.

Mr. Faughnan responded yes and added that the location is currently zoned for parking.

Commissioner Landini asked whether the categorical exemption could be granted because the agreement pertains to exercising the Option and is a step in the process to the entitlements.

Mr. Faughnan responded yes and explained that the County is entering into the Option agreement with the prospective developer. The Regional Planning Commission will undertake the environmental process.

Vice-Chairman Lesser clarified that Small Craft Harbor Commission approval doesn't mean the project could be built. Before construction takes place, the lessee must obtain the regulatory approvals.

Mr. Wisniewski commented that the Board letter confirms this fact. He referred the Commissioners to page seven, which states, "Execution of the Option does not authorize construction of any improvements on the parcel. The discretionary land use entitlements and corresponding environmental documentation necessary to implement the proposed development plan contemplated by the Option will be considered by the Department of Regional Planning."

Commissioner Landini commented that after hearing both Mr. Wisniewski's report on the lease terms and public testimony, he didn't see a reason to not take action on the Parcel IR item. The following motion was made.

Commissioner Landini moved and Vice-Chairman Lesser seconded a motion recommending approval of the Option for Lease to Facilitate Redevelopment – Parcel IR (Marriott Residence Inn) – Marina del Rey. The motion passed with Vice Chairman Lesser and Commissioners Landini and Lin voting in favor. Chairman Searcy abstained.

Chairman Searcy explained that he abstained because he was bothered not knowing whether the project would receive the zoning approvals.

Mr. Wisniewski explained that the Department's consultants advised staff that the development community wants some degree of certainty of a deal if they are going to go through the expense and time of the regulatory process.

Chairman Searcy announced that the meeting would continue in the regular agenda order. As he needed to leave early, Chairman Searcy turned the meeting over to Vice-Chairman Lesser, who proceeded to Agenda Item 3a.

3 REGULAR REPORTS

a. Marina Sheriff

-- Crime Statistics

Lt. Greg Nelson reported a slight increase in theft. He noted that, historically speaking, crime rates are way below normal compared to other summers. Some of this can be attributed to the presence of the bike team on weekends and Captain Campbell's motivational efforts to increase productivity.

Lt. Nelson reported that there's now signage at the library, which should alleviate the problem of bikes cutting through the parking lot. The bike team has also been alerted to keep watch.

-- Enforcement of Seaworthy & Liveaboard Sections of the Harbor Ordinance

Deputy Carvalho informed the Commission that this month's report shows one new liveaboard permit was issued. There were no new warnings or Notices to Comply issued for the month of July. There is a slight increase in the number of impounded vessels and they are being processed as quickly as possible.

Commissioner Landini commented that from reading between the lines as well as reading Mr. Faughnan's report, he perceives that the reasons people don't apply for liveaboard permits is that they can't meet the safety vessel standards and they're trying to avoid increased dock fees. He asked whether his was a fair interpretation.

Deputy Carvalho responded that Commissioner Landini provided an accurate description of those individuals who don't apply for liveaboard permits. Their vessels are in such condition that they probably wouldn't pass or they don't want the fee increase.

Vice-Chairman Lesser referred to the seaworthy report, which indicates there are 554 reported liveaboards by the lessees and 432 total liveaboard permits issued. He said the dockmasters apparently know whether a liveaboard has a permit.

Deputy Carvalho explained that the report data fluctuates and reflects the lag time in notifying the Department of the changes in liveaboard status. For example, there are liveaboards who have permits but forget to renew them for several months and there are boaters who are no longer liveaboards who don't apply for permits. The report will probably never show a 100% compliance rate because of the lag time in notifying the Department.

Vice-Chairman Lesser questioned what would happen if nothing were done about the situation. Currently, there are liveaboards who don't have permits and it doesn't appear that anything is being done about it.

Mr. Wisniewski responded that the significance of requiring a liveaboard permit is that it enables the Sheriff's Department to ensure the liveaboard has a valid sanitation device on his/her boat.

Vice-Chairman Lesser asked, as it appears the dockmaster knows which liveaboards don't have permits, why the Sheriff's Department can't visit and require them to obtain a permit.

Deputy Carvalho explained that the Department does its best to follow up and check whether a permit is current or needs to be renewed. The Department is developing a database that would assist staff in notifying those individuals who have expired permits. This might help reconcile the data for reported liveaboards and permits issued.

Mr. Wisniewski commented that the Sheriff's Department is taking a step in the right direction. He is concerned about the water quality issue and explained that one of the principle reasons liveaboards were required to obtain permits was because they reside on their vessels and should comply with sanitation device requirements.

Mr. Wisniewski suggested that the Sheriff's data specify the number of liveaboards with valid permits, those with expired permits and those who fall into a different category. The lessee should be required to identify people who don't have permits.

Commissioner Landini asked whether Beaches and Harbors could assume responsibility for gathering liveaboard data.

Mr. Wisniewski responded that the Department doesn't have staffing to assume this responsibility. Lt. Nelson added that the Sheriff's database is now up and running but the data will probably not show 100% compliance, as there is a lag time because permits are renewed on an annual basis.

b. Marina del Rey and Beach Special Events

Mr. Wisniewski requested that the report be received and filed. He also requested the Argonaut reporter include the events in the newspaper.

c. Marina del Rey Convention and Visitors Bureau (CVB)

Ms. Beverly Moore informed the Commission that the bureau website, VisitMarina.com, has evolved into an important resource about Marina-related information, including lodging, boating, restaurants, weather, maps, etc. The site's popularity continues to grow significantly. In 2005, visits to the website increased over 37%. In 2006, the visits increased 43%.

Ms. Moore reported that staff continues to update and expand the site to improve content and be of the best use for residents, visitors and boaters. There's a section called "local information" that provides a simplified explanation about the community, which includes census information, governance and public services. While that sounds very simple, the fact is that it didn't exist before. It helps ease a tremendous amount of constant confusion that many local residents and businesses suffer when they do not understand the difference between the jurisdictional difference and the geographic boundaries between the unincorporated part of Marina del Rey and the greater area often defined by the zip code, 90292, which is also considered Marina del Rey, but includes sections of both the unincorporated part of the County and Los Angeles City.

Commissioner Landini said he heard discussion at a Design Control Board meeting that the Marina boundary includes the properties on the east side of Lincoln Blvd. He asked Ms. Moore whether this is true.

Ms. Moore responded that she isn't an authority, but her research revealed that Marina del Rey is the unincorporated side and is west of Lincoln Blvd.

Ms. Moore continued, stating that the website also has a section called, Living Here, which discusses the community from a residential perspective and lists options of places to live within the Marina. Staff is putting the final touches on a local business directory. Local businesses will soon be able to sign up with the Visitors Bureau and be listed on the website in their appropriate business category. The boating section of the website has evolved greatly in the last couple of years. It currently has seven sections that include yacht clubs, boating associations and private charter information. In the last month, a section on boating courses and instruction and funerals at sea were added. Staff is currently working on a boat dealers and marine services supply section, which will provide information on support systems in the community. They market the website address aggressively in every piece of printed information and promotional effort that

they do. Ms. Moore said that she would continue to share the bureau's progress along the way as staff develops the site.

Commissioner Landini asked whether staff is working on including maps on the "shell" brochures. At the July meeting, he suggested that staff consider adding the maps.

Ms. Moore responded that staff is working on Commissioner Landini's suggestion.

6. **STAFF REPORTS**

a. **Ongoing Activities Report**

- **Board Actions on Items Relating to Marina del Rey**

Mr. Wisniewski reported that at its August 1, 2006 meeting, the Board of Supervisors approved the process that starts the environmental documentation for the proposed Marina del Rey affordable housing policy. Staff is meeting this afternoon to try to discuss ways the County can ensure it receives public input on the policy.

At its July 25, 2006 meeting, the Board provided in Closed Session negotiating instructions relative to a proposed lease extension for the Del Rey Shores (Parcels 100S and 101S) apartment project as well as a new lease for the Dry Stack Storage Facility (Parcels 52/GG).

At its June 20, 2006 meeting, the Board authorized the Director of Public Works to execute a one-year agreement, with a one-year option, with Playa Vista for the operation of the Marina del Rey Summer Shuttle Pilot Service, which commenced on July 1, 2006.

- **Periodic Local Coastal Program Review - Update**

Mr. Wisniewski reported that on July 25, the County received the Marina del Rey Periodic Local Coastal Program Review (dated July 20, 2006), which is a 177-page report the California Coastal Commission (CCC) calendared for consideration at its August 8, 2006 meeting. County staff responded with astonishment that it would only be given two-weeks to review a 177-page report when CCC staff committed to provide a copy in ample time for County staff to review it and prepare a response. County staff communicated with the CCC's Executive Director and a decision was made to postpone the item to a future meeting. Mr. Wisniewski commented that he believes CCC staff recognized that it didn't give the County enough time to review the report.

Commissioner Landini asked whether the July 20, 2006 Periodic Local Coastal Program (LCP) Review is the same report that's available in the Marina del Rey library.

Mr. Wisniewski responded that the current LCP Review is available on the Coastal Commission website. He will make sure it's also available on the Beaches and Harbors' website.

Vice-Chairman Lesser asked whether staff knows on what date the item will be discussed by the Coastal Commission and whether staff will have ample time to respond by that date.

Mr. Wisniewski responded that he isn't aware on what date the Coastal Commission will discuss the LCP Review. However, from the date the CCC adopts its staff recommendations, the County will have one full year to respond.

Vice-Chairman Lesser commented that it would be incumbent on County staff to work with CCC staff and move the process along rather than take the entire year to respond. For example, if the County has 60-days to respond, that should be a sufficient amount of time.

Mr. Wisniewski said it wouldn't be the County's intent to take one full year to respond, but to respond within a one-year period.

Commissioner Landini requested a copy of the 2006 Marina del Rey Periodic LCP Review.

Mr. Wisniewski responded that he would provide him with a copy.

VICE-CHAIRMAN LESSER OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Donald Klein, president, Coalition to Save the Marina, informed the Commission that members of the public were upset that the California Coastal Commission postponed discussion of the MdR Periodic LCP Review. He said that the County has had 14-months to respond to the 2005 draft LCP Review, but he has never been able to find an official response to it. Mr. Klein questioned whether the County has an agenda to try to get all of the development projects approved before the LCP is approved.

Mr. Wisniewski commented that Mr. Klein has often alleged there's a conspiracy or agenda to slow the process down to facilitate development projects in the Marina. Mr. Wisniewski said that he's tired of the attacks on the Department and County, as they have no foundation. He's heard them for 30-years and wants them to cease and he wants members of the public to be constructive in their comments.

Mr. Klein explained that he feels the way he does because members of the Small Craft Harbor Commission, Design Control Board and Regional Planning Commission are appointed by the Board of Supervisors. [In the interest of time, Vice-Chairman Lesser interrupted and requested that Mr. Klein provide further comment on this issue during the "Communication from the Public" portion of the agenda.]

Mr. Klein expressed concern that within the last 15-months, eight Small Craft Harbor Commission meetings have been canceled due to various reasons. He said this is a violation of Public Resources Code 30006, which allows for public participation. He asked why two weeks isn't ample time for County staff to respond to LCP staff recommendations when the public is given much less time to review and address material distributed at Small Craft Harbor Commission meetings.

Mr. Wisniewski responded that the Department informed Coastal Commission staff that should the Coastal Commission proceed, the Department would comply with Coastal Act requirements and respond within one year. He reiterated that the Department was astonished the CCC would only allow Beaches and Harbors two-weeks to respond when CCC staff had committed to providing Beaches and Harbors with the LCP Review in ample time for review and discussion prior to it being calendared on the CCC agenda. The Department needs time to not only discuss the Periodic LCP Review internally, but also discuss it with other County offices.

Commissioner Landini requested that staff brief the Commission prior to providing a response to the CCC. Vice-Chairman Lesser said that he'd like staff to also place the 2006 LCP Review on the Department's website as soon as possible so that the public would have time to review and prepare to provide input at the September Small Craft Harbor Commission meeting. He asked Mr. Wisniewski to identify and address the CCC staff recommendations with which the County does not agree and discuss them at the September Small Craft Harbor Commission meeting.

Mr. Wisniewski responded that he wasn't sure whether staff could do the briefing in September, but he would definitely brief the Small Craft Harbor Commission before the item is scheduled for the CCC agenda.

Commissioner Landini asked whether the Local Coastal Program for the Marina has been adopted.

Mr. Wisniewski responded yes and explained that the Marina del Rey Periodic LCP Review evaluates whether the LCP is being implemented in conformity with the Coastal Act.

In response to Mr. Wisniewski's statement that the County did not receive the Periodic LCP Review until July 25, Ms. Marino commented that it was available on-line from July 20 for anyone who wished to access it. The public did not have the opportunity to say that more time was needed before the LCP Review went before the Commission because one year from the May 25, 2005 draft Review date was given for public comment, including any comments from the County. The period closed on May 25, 2006, after which time Coastal Commission staff prepared a final draft report to come before the Coastal Commission for review and adoption at a public hearing. The County had as much time as the public to prepare. The public did not have any say in whether or not the item was continued. The July 20, 2006 Periodic Local Coastal Program Review was on the Coastal Commission agenda and the public took whatever free time it had (after working a full-time job) to prepare for the meeting.

Ms. Marino said that the County has no excuse, as it is Beaches and Harbors full time job to address the Coastal Commission staff recommendations. The County's staff should have had adequate time to prepare comments. The County had as much time as the public. The public prepared itself and took whatever time off it needed and at extreme cost. The public found out less than 24-hours before the Coastal Commission meeting that it would not have an opportunity to speak. Many people who planned to attend the Coastal Commission meeting won't be able to take additional time off in October or whenever the Coastal Commission agendas the item. Attending the meeting could mean having to take a whole day off from work and risking the meeting's postponement again at the last minute. The recent postponement denied the public its voice. The County could have responded to the recommendations, which were not all 177-pages, within two weeks and done as adequate a job as a member of the public could do. The public is asking for fairness and an equal opportunity to be heard and it is not being given that.

Vice-Chairman Lesser asked why Ms. Marino didn't bring her concerns to the attention of the Coastal Commission, as the Small Craft Harbor Commission did not have anything to do with the postponement.

Ms. Marino responded that when Mr. Al Padilla, Coastal Commission staff, contacted her at 4:56 p.m. Monday afternoon, he informed her that the Commission decided to continue the item because the County informed him that it did not have time to prepare a response to the CCC staff recommendations. That is the reason given for the postponement and it is the reason Ms. Marino accepts.

Ms. Carla Andrus commented that the benefit of having had the LCP Review meeting before the approval of today's Parcel IR Option would have been invaluable. She said it would be fair to the public to have a moratorium on any leases and lease options or any further over-development of the Marina and to establish the mandate once and for all. The Commission is off-course. There is a mission statement and a vision. The vision thus far does not include anything of the mandate that has been established for the Marina. If the Commission is going to change the mandate, the Commission should take it and give it title and summary. Put it in front of the electorate and change the mandate that way. Don't keep doing what's been done. It creates hostility between the governing body and the public and it needs to be resolved. The matter is simple to resolve. All that is needed is a clear mandate, identification of what it is and to take direction from there.

b. Registered Liveboard Slips in Marina del Rey Harbor – 6 ½ Year Period

c. Public Requests for Information at June 14, 2006 Meeting

Per Mr. Wisniewski's request, Vice-Chairman Lesser received and filed Agenda Items 6b--Registered Liveboard Slips in Marina del Rey Harbor and 6c--Public Requests for Information at June 14, 2006 Meeting.

VICE-CHAIRMAN LESSER OPENED THE FLOOR TO PUBLIC COMMENT

Mr. Dan Gottlieb requested that staff identify and put in writing the differences between the 2005 draft Marina del Rey Periodic LCP Review and the 2006 Marina del Rey Periodic LCP Review. He couldn't find any differences when he reviewed the documents and Mr. Gottlieb would find it helpful for staff to pinpoint them.

Mr. Gottlieb informed the Commission that he represents Marina Strand Colony Two, which did not receive notification that the Strand project was scheduled for the Design Control Board meeting. He'd like to know who was responsible for notifying the public. Additionally, he didn't receive any notification about the Neptune development. Homeowners who should be informed, such as those who live at Marina Strand Colony Two, are not being provided information and the opportunity to provide input.

Mr. Gottlieb said that around page 100 of the Periodic LCP Review is discussion about the meaning of design and whether it should protect visual resources. Coastal Commission staff indicated one problem is that the LIP changes the definition from the LUP and LIP's definition should rule. Via Marina is a scenic highway of first priority, but unfortunately nowhere in the County is the meaning of scenic highway described. Words are being twisted around. He questioned how there could be a democracy if words don't mean something.

Ms. Nancy Marino said that at its July meeting the Small Craft Harbor Commission was informed that the EIR/EIS for the Admiralty Way/SR90 Project was moved up from 2011 to 2007. She asked how the County could do an adequate job of an EIR/EIS in four years less time than originally planned. Ms. Marino expressed her belief that projects are being rushed through to allow the approval of development before the public has opportunity to lodge the appropriate appeals and protests and lawsuits to stop them. Once the projects are built, it is impossible to un-build them. The only possible remediation would be a monetary or in-kind replacement. The Marina would be a goner from its mandate and the vision of the people.

Ms. Marino requested that the Commission not participate in the process and help the public abide by the current LCP until such time as there is a new mandate for an amended LCP that allows the projects to continue. She requested the Commission to not facilitate the destruction of the one document that sets the standard for development. The planned developments don't comply. None of them. They all say they need an amendment. The EIR being moved up is one means of pushing projects through to approval and permitting stages before the public has an opportunity to go through the established process.

Mr. Barry Kurtz, Beaches and Harbors' Traffic and Transportation Engineering Consultant, explained that the SR90 project was moved back rather than forward. The 2011 date was a completion date for construction of the project. Because of unavailable funding a decision was made to use the EIR completion date (which was moved from 2006 to 2007) rather than the construction completion date. He emphasized that the 2007 date is not for completion of construction but completion of the EIR/EIS. There is no target date for the completion of construction.

Mr. Kurtz took a moment to respond to the assertion from a member of the public at the June meeting that the Admiralty Way traffic improvement projects were mitigation measures for Playa Vista. He mentioned that a response was provided in the report for Item 6c-Public Requests for Information at June 14, 2006 meeting; however, Mr. Kurtz wanted to further clarify the matter at today's meeting. He explained that three projects: 1) Marina Expressway (State Route 90) Connector Road to Admiralty Way Project; 2) Admiralty Way Improvement Project; and 3) Reconfiguration of the Intersection of Admiralty Way and Via Marina Project, are listed in the Marina del Rey Local Coastal Program as mitigation for redevelopment within the Marina and development in the surrounding area and have nothing to do with Playa Vista's mitigation. The EIR and EIS are planned so that they can advance independently or together. The projects are set up so that one consultant can handle three projects in one document because they're inter-

related. Having one traffic study and one consultant enables the projects to be considered more defensible and they have a better chance of being reviewed in totality rather than independently. Further, Mr. Barry Kurtz informed the Commission that three public meetings were held at the Burton Chace Park Community Room to discuss the scope and content of the information to be included and analyzed in the EIS/EIR. The presentation and project information is available on the projects' website at: www.sr90admiraltyway.org. The expected EIR/EIS completion date is mid to late 2007.

Ms. Carla Andrus referenced a letter dated June 2, 2005 from the Department of Public Works (Attachment B) regarding traffic circulation and street lighting on Admiralty Way. She commented that the public has heard no more on the subject for over one year. The public deserves a response, given that recently an accident occurred on Admiralty Way where someone went through the Oxford Flood Basin. She didn't see the accident but someone from the Marina City Club informed her of it.

Ms. Andrus said that she'd like a federal government representative invited to a Commission meeting so that the public can appeal to him/her in person for traffic improvement funds. She said that the SR90 project and Admiralty Way widening project don't satisfy federal code Title 23, Chapter One, and Subchapter 1128-A. Ms. Andrus explained that when the federal government considers funding a project, it has to be consistent with what the area is mandated for.

With respect to the letter from Public Works, Mr. Kurtz explained that the Department of Public Works received a complaint with a request for a traffic signal at the Marina City Club. Public Works found that traffic flow could accommodate a traffic signal at the location; however, it wasn't a black and white issue. Typically, when there is a public street and private driveway, it's up to the lessee to pay for any traffic improvements connected to access to and from the driveway. Public Works staff attended a meeting at the Marina City Club and the homeowners association decided not to fund the traffic signal. If in the future the homeowners association decides to fund the signal, Public Works will work with the Marina City Club to install it.

7. COMMUNICATION FROM THE PUBLIC

In response to an earlier comment during the meeting about the change from the 60-day to 30-day eviction notice to tenants of residential units, Mr. Donald Klein informed the Commission that AB 1169 proposes to reinstate the 60-day eviction notice and is currently winding its way through the Assembly.

As for the definition of floating homes, Mr. Klein clarified that floating homes are not powered, can't move around and are subject to seaworthy inspections. Also, contrary to a statement made earlier that there are no floating homes in the Marina connected to sewers, Mr. Klein said that there are four floating homes in front of the Chart House Restaurant. They're operated by Dolphin Boat Works. A corporation owns them.

Mr. Klein also wanted to comment on the County's power structure. He said that the Board of Supervisors appoints the Small Craft Harbor Commission, Design Control Board and Regional Planning Commission members. They don't have members of the public who have a vote and actual voice, which is a situation he finds reprehensible.

Mr. Klein responded to Mr. Wisniewski's objection made earlier to Mr. Klein's comment that the County has an agenda to proceed with development despite public opposition. Mr. Klein said that Marina lessees have donated well over \$1 million in campaign contributions over the years and the more than 400 judges in the Superior Court system are being paid flex payments (or some such name), but it's actually cash money approved by the Board of Supervisors. The way the money is changing hands makes a nice circle, which the public is concerned about.

Ms. Nancy Marino, Marina resident, reminded Commission members that they were told during Mr. Wisniewski's report that Agenda Item 5a, which pertains to the Parcel IR Option for Lease,

was contingent upon an LCP amendment. She said this is tacit admission by the County that the project doesn't comply with the existing certified LCP. The certified LCP is the consensus agreement of all interested parties, the County, developers, residents of the Marina, as well as the general public as to establishing the standards that govern Marina del Rey. She asked the value of having an LCP when County projects that are non-compliant are allowed to proceed. If an amendment is needed for a project to proceed, the lessee should obtain the amendment before presenting the project to the Commission and other bodies for approval. The lessee is putting the cart before the horse and establishing contractual obligations that may be costly to the County later on if they're found to be invalid. Lessees might sue if they find the County can't fulfill conditions. The public doesn't believe the Commission or any other body should approve projects that don't already have a basis in law, policy, etc.

Ms. Marino said the public is extremely angry that options and leases are being railroaded. The Commission approved the Parcel IR Option and this is the first step in the process. She requested that the Commission not approve the Option, but honor the existing certified LCP until the County succeeds in obtaining an amendment. There is not a consensus as to what might or should be done. She requested that the Commission support the public's position and follow what exist on paper so that it might mean something.

Commissioner Landini asked Mr. Faughnan whether the Commission acted lawfully when it approved the Parcel IR Option even though the proposed project might not be in conformance with the LCP.

Mr. Faughnan responded that the Commission acted lawfully, as it is an advisory body. He clarified that the Commission approved an option agreement for Parcel IR. The actual lease agreement is conditioned upon the lessee receiving all his entitlements, among which would be any amendments to the LCP necessary for the project to move forward. If the LCP amendment is not received, the project would not move forward and the County is not required to enter into a lease agreement with the lessee.

Vice-Chairman Lesser commented that changes and amendments are made to local planning documents on a regular basis. When he was the mayor of Manhattan Beach there was an area zoned for heavy manufacturing and a pottery factory was there. It was absurd to keep a heavy manufacturing plant at the location, so the general plan and zoning were changed. He doesn't believe there's a project that's been built in Marina del Rey that violates the LCP. The LCP is a flowing document and is not cast in stone for eternity.

Ms. Carla Andrus said the Coastal Commission found that the County is not in compliance with the LCP. Additionally, she commented that the public has a problem with not being included in the Request for Proposals process. There are alternative plans for Parcel IR and this issue hasn't been addressed. The public attended the Design Control Board meeting and offered full support on alternative plans that were submitted there, one of which is for an Olympic size swim center at the location. She questioned how the public has any real input in the plans for the Marina Beach area and Ms. Andrus commented that the public is being dismissed again.

Further, Ms. Andrus said there needs to be a Periodic LCP Review hearing and moratorium on any development projects that need amendments. She said, "we're amending ourselves right out of a marina that is here for the benefit of general public use recreation small craft harbor. It has already been so eroded and it needs to stop now."

Mr. Gottlieb commented that the projected EIR completion date for the SR90 project wasn't changed in the documentation. The public has no chance to make its voice heard and is being denied notification. Notification for the scoping meeting to discuss the EIR/EIS arrived in the Venice Library on the actual meeting date. He encouraged the Commission to look around page 100 of the MdR Periodic LCP Review to see how staff describes the process.

8. **ADJOURNMENT**

Vice-Chairman Lesser adjourned the meeting at 11:50 a.m.

Respectfully submitted,

Toni Minor
Commission Secretary

**Marina del Rey Redevelopment Projects
Descriptions and Status of Regulatory/Proprietary Approvals
As of September 13, 2006**

Map Key	Parcel No. -- Project Name/Lessee	Lessee Name/ Representative	Redevelopment Proposed	Massing and Parking	Status	Regulatory Matters
1	42/43 - Marina del Rey Hotel/ Pacifica Hotels	Dale Marquis/ Mike Barnard	* Complete renovation	No changes	Proprietary -- term sheet under negotiation Regulatory -- to be determined	
2	52/GG -- Boat Central/ Pacific Marina Development	Jeff Pence	* 345-vessel dry stack storage facility * 30-vessel mast up storage space * Sheriff boatwright facility	Massing -- 75' high boat storage building partially over water and parking with view corridor Parking -- all parking required of the project to be located on site, public parking to be replaced on Parcel 56	Proprietary -- term sheet approved July 2006 Regulatory -- application in preparation	LCP amendment to allow proposed use and to transfer Public Facility use to Parcel 19
3	55/56/W -- Fishermans Village/ Gold Coast	Michael Pashaie/ David Taban	* 132-room hotel * 65,700 square foot restaurant/retail space * 30-slip new marina * 28-foot wide waterfront promenade	Massing -- Nine mixed use hotel/visitor-serving commercial/retail structures (eight are 1 or 2-story and one 60' tall hotel), parking structure with view corridor Parking -- all parking required of the project to be located on site; must include parking for adjacent Parcel 61 lessee (Shanghai Reds) and replacement parking from Parcel 52	Proprietary -- lease documents approved by BOS Regulatory -- DCB hearing May 2006, item continued; approved in concept July 2006	Shared parking analysis
4	64 - Villa Venetia/ Lyon Capital	Frank Suryan/ Mark Kelly	* 479-unit residential complex (includes 263 apartments and 216 condominium units) * 3,000 square foot accessory retail space * 18-slip marina with water taxi slip * 28-foot wide waterfront promenade and parkette	Massing -- Three buildings, two that are 140' tall, consisting of 11-12 floors of residential and 2 above-ground parking levels, and the third that is 84' tall, consisting of 6 floors over raised podium and plaza level with expansive covered parking Parking -- all parking required of the project to be located on site	Proprietary -- term sheet under negotiation Regulatory -- on DCB's August 2006 agenda, item heard, continued to October 2006	Affordable housing
5	1 -- Marina del Rey Landing/ Harbor Real Estate	Greg Schem	* New fuel dock facility with high-speed pumps and automatic payment * 3,000 square foot dock mart and restrooms * New marina with 10 slips and transient berths * Public promenade and public view docks	Massing -- 1-story structure Parking -- all parking required of the project to be located on site	Proprietary -- lease documents approved by BOS Regulatory -- application in preparation	
6	10/FF -- Neptune Marina/ Legacy Partners	Jim Andersen	* 526 apartments * 161-slip marina + 7 end-ties * 28-foot wide waterfront promenade * Replacement of public parking both on and off site	Massing -- Four 55' tall clustered 4-story residential buildings over parking with view corridor Parking -- 103 public parking spaces to be replaced off site	Proprietary -- lease documents in process Regulatory -- DCB approval in concept June 2006	LCP amendment to allow use proposed on Parcel FF Parking permit to allow some replacement public parking off site Replacement of open space Affordable housing
7	9 -- Woodfin Suite Hotel and Vacation Ownership/ Woodfin Hotels	Mark Rousseau	* 19-story, 288-room hotel (152 hotel rooms and 136 timeshare suites) * 5-story, 332-stall parking structure * New public transient docks * 28-foot wide waterfront promenade * Wetland park	Massing -- 19-story hotel with 5-story parking structure, 225' tall, on northern half of parcel with view corridor and wetland park on southern half Parking -- all parking required of the project to be located on site	Proprietary -- lease documents in process Regulatory -- DCB initial hearing May 2006, item continued; approved in concept June 2006	Timeshare component Wetland
8	100/101 - The Shores/ Del Rey Shores	Jerry Epstein/ David Levine	* 544-unit apartment complex * 10 new public parking spaces	Massing -- Twelve 75' tall 5-story residential buildings Parking -- all parking required of the project to be located on site plus 10 public beach parking spaces	Proprietary -- lease documents in process and economic terms being negotiated Regulatory -- Regional Planning approval June 2006	
9	95/LLS -- Marina West Shopping Center/ Gold Coast	Michael Pashaie/ David Taban	* 72-unit apartment complex * 10,000 square foot restaurant * 22,400 square foot commercial space * Gateway parkette on Parcel LLS	Massing -- One 42' tall retail building, three 60' tall mixed-use residential/retail buildings and parkette Parking -- all parking required of the project to be located on site	Proprietary -- term sheet under negotiation Regulatory -- DCB initial hearing June 2006, item continued; on July agenda, item not heard, continued to August 2006	
10	145 - Marina International Hotel/ Pacifica Hotels	Dale Marquis/ Mike Barnard	* Complete renovation	No changes	Proprietary -- term sheet under negotiation Regulatory -- to be determined	
11	OT -- Admiralty Courts/ Goldrich & Kest Industries	Jona Goldrich/ Sherman Gardner	* 114-unit senior care facility * 3,000 square feet of retail space * Replacement public parking both on and off site * Public accessway from Washington to Admiralty	Massing -- One 5-story residential (senior) building over ground-floor retail and parking Parking -- all parking required of the project to be located on site; 92 public parking spaces to remain on site, 94 public parking spaces to be replaced off site near Marina Beach	Proprietary -- lease documents in process Regulatory -- DCB conceptual approval August 2005; Regional Planning application filed May 2006, awaiting hearing date	LCP amendment to allow proposed use Parking permit for senior care facility Parking permit to allow some replacement public parking off site
12	33/NR -- The Waterfront	Ed Czucker	* 292 apartments * 32,400 square foot restaurant/retail space * Rooftop observation deck * Replacement public parking both on and off site	Massing -- Three 5-story mixed use residential/retail buildings (two 44' tall and one 61' tall) with view corridor Parking -- 121 public parking spaces to be replaced on site, 70 public parking spaces to be replaced off site	Proprietary -- lease documents in process and economic terms being negotiated Regulatory -- DCB concept approval August 2004; revised project pending DCB consideration	LCP amendment to allow proposed use Parking permit to allow some replacement public parking off site
13	27 -- Jamaica Bay Inn/ Pacifica Hotels	Dale Marquis/ Mike Barnard	* 69 additional hotel rooms * Renovate balance of property * Marina Beach Promenade	Massing -- 4-story hotel expansion with view corridor Parking -- all parking required of the project to be located on site	Proprietary -- lease documents approved by BOS Regulatory -- DCB conceptual approval obtained October 2005; Regional Planning application in preparation	
14	IR -- Marriott Residence Inn/ Pacifica Hotels	Dale Marquis/ Mike Barnard	* 147-room hotel * Replacement of public parking both on and off site * Marina Beach Promenade	Massing -- Two hotel buildings above parking, 45' tall, with view corridor Parking -- 197 public parking spaces to remain on site, 19 or 88 public parking spaces to be replaced off site depending on intersection project	Proprietary -- lease documents pending Board of Supervisors hearing on 9/19/06 Regulatory -- DCB approved in concept February 2006	LCP amendment to allow proposed use Parking permit to allow some replacment public parking off site
15	21 -- Holiday Harbor Courts/ Goldrich & Kest Industries	Jona Goldrich/ Sherman Gardner	<u>Phase 1</u> * 5-story, 29,300 square foot mixed-use building (health club, yacht club, retail, marine office) * 87-slip marina * 28-foot wide waterfront promenade and pedestrian plaza <u>Phase 2 (Parcel C)</u> * Westernmost portion of land to revert to County for public parking	Massing -- One 56' tall commercial building with view corridor Parking -- all parking required of the project to be located on site, including 94 replacement spaces from OT and Parcel 20 boater parking	<u>Phase 1</u> Proprietary -- lease documents in process Regulatory -- DCB conceptual approval obtained August 2005; Regional Planning application in preparation <u>Phase 2 (Parcel C)</u> DCB hearing May 2006, item continued	CDP for landside from Regional Planning CDP for waterside from Coastal Commission Parcel 20 CDP amendment from Regional Planning to transfer Parcel 20 Phase 2 (6,025 sf yacht club, 2,300 sf office space, 231 parking spaces) to Parcel 21
16	19 -- Administration Building/ Department of Beaches and Harbors	N/A	* 26,000 square foot County administration building	Massing -- One 56' tall building consisting of 2 floors office space over 3 parking levels Parking -- all parking required of the project to be located on site	Proprietary -- lease documents in process with Parcel 20 lessee for parcel reversion Regulatory -- DCB hearing May 2006, item continued	See Item #2 above

PROJECT STATUS REPORT - KEY

